

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,801	01/11/2002	Jackie Y. Ying	M00925/70110	4734
23628 7590 09/27/2004			EXAMINER	
WOLF GREENFIELD & SACKS, PC FEDERAL RESERVE PLAZA			KOSLOW, CAROL M	
600 ATLANTIC AVENUE BOSTON, MA 02210-2211			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(6) VING ET AL.							
## Art Unit		Application No.	Applicant(s)				
C. Melissa Koslow 1755 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less han thirty (30) alays, as upon the singular of the secondary o	Office Action Summany	10/044,801	YING ET AL.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Ederaciose of ine may be available under the provisions of 3° CER 1.786(a). In an event, however, may a reply be timely filled If the period for reply specified above is how in main thirty (30) slays, a reply within the satulatory minimum of birty (30) slays will be considered timely. If the period for reply specified above is how in main thirty (30) slays, a reply within the statutory minimum of birty (30) slays will be considered timely. If the period for reply specified above is how in main thirty (30) slays, a reply within the statutory minimum of birty (30) slays, will be considered timely. If the period for reply specified above is how in main thirty (30) slays, a reply within the statutory minimum of birty (30) slays will be considered timely. If the period for reply specified above is how in main thirty (30) slays, a reply within the statutory minimum of birty (30) slays will be considered timely. If the period for reply specified above is how in main thirty (30) slays will be considered timely. If the period for reply specified above is how in the statutory in the stat	Office Action Summary	Examiner	Art Unit				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. after SIX (9) MONTHS from the mailing date of previous of 30°CMR 1.13(6). In no event, however, may a reply be timely filed after SIX (9) MONTHS from the mailing date of previous of 30°CMR 1.13(6). In no event, however, may a reply be timely filed after SIX (9) MONTHS from the mailing date of the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will expise SIX (6) MONTHS from the mailing date of this communication, even if firmely filed, may reduce daily. Any reply received by the Office after than these meaning after the mailing date of this communication, even if firmely filed, may reduce day? Status 1) Responsive to communication(s) filed on							
THE MAILING DATE OF THIS COMMUNICATION. Extencions of time may be valided under the provisions of 3 CFR 1.78(e). In no event, however, may a reply be limely filed after SR. (8) MONTHS from the mailing date of the communication epit within the statubory minimum of thisty (8) days will be excellent existed after SR. (8) MONTHS from the mailing date of the communication. Failore to reply visition the seal or extended period for reply vill. by adultation and SR. (8) MONTHS the the mailing date of the communication. Failore to reply visition the seal or extended period for reply vill. by adultation, even if famely filed, may reduce any examely part of the seal period for reply vill. by adultation, even if famely filed, may reduce any examely part of the seal period for reply vill. by adultation, even if famely filed, may reduce any examely place to the property of the mailing date of this communication, even if famely filed, may reduce any examely place to the property of the mailing date of this communication, even if famely filed, may reduce any examely place to the property of the mailing date of the communication, even if famely filed, may reduce any examely place to the property of the mailing date of the communication, even if famely filed, may reduce any examely filed to the communication of the property of the family filed for the mailing date of the communication, even if famely filed, may reduce any examely filed for the property of the family filed for filed for the mailing date of the communication, even if famely filed, may reduce any examely filed for filed family filed family filed family filed for filed family filed		ears on the cover sheet with the	correspondence address				
1)☐ Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period was prival to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be y within the statutory minimum of thirty (30) di vill apply and will expire SIX (6) MONTHS fro , cause the application to become ABANDON	timely filed ays will be considered timely. m the mailing date of this communication. IED (35 U.S.C. § 133).				
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 597-599.601-612.614-620.623-639 and 674-695 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 95.597-599.601-612.614-620.623-639 and 674 is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s)	Status	3					
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 597-599.601-612.614-620.623-639 and 674-695 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 95.597-599.601-612.614-620.623-639 and 674 is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s)	1) Responsive to communication(s) filed on	# 					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 597-599,601-612,614-620,623-639 and 674-695 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 595,597-599,601-612,614-620,623-639 and 674 is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(e) 1) Notice of References Cited (PTO-892) 5) Notice of Informal Paten. Application (PTO-152)							
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)	·	·					
4)							
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 95.597-599,601-612,614-620,623-639 and 674 is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) □ Notice of Proferences Cited (PTO-892) □ Notice of Proferences Cited (PTO-892) □ Notice of Proferences Cited (PTO-892) □ Notice of Proferences Cited (PTO-152)	Disposition of Claims						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	4)⊠ Claim(s) <u>597-599,601-612,614-620,623-639 ar</u> 4a) Of the above claim(s) is/are withdraw 5)⊠ Claim(s) <u>95,597-599,601-612,614-620,623-639</u> 6)□ Claim(s) is/are rejected. 7)□ Claim(s) is/are objected to.	vn from consideration. <u>9 and 674</u> is/are allowed.	e application.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	Application Papers						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	9) The specification is objected to by the Examine	r.					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)							
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/5B/08) Notice of Informal Patent Application (PTO-152)	Applicant may not request that any objection to the	drawing(s) be held in abeyance. So	ee 37 CFR 1.85(a).				
12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)			•				
a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☑ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. § 119						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)	 a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau 	s have been received. s have been received in Applica ity documents have been receiv (PCT Rule 17.2(a)).	tion No ved in this National Stage				
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152)		$\mathcal{L}_{\mathcal{L}}}}}}}}}}$					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)	Attachment(s)						
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail D	Date				

Application/Control Number: 10/044,801

Art Unit: 1755

This action is in response to applicants' response of 15 March 2003. The amendments to the claims canceling claims 581-586, 588-596, 696 and 697 has overcome the rejections based on 35 USC 521, 35 USC 251 and 35 USC 112 over these claims. Also the cancellation of claims 696 and 697 means a new oath is no longer required. This is because the presence of these claims caused the requirement of a new oath. The originally filed oath is again acceptable.

The subject matter inserted into the specification in column 2 is acceptable since applicants are inserting inherent characteristics of the produced hydroxyapatite crystals, as shown by the 35 USC 132 declaration of 30 October 2003.

The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

This application is in condition for allowance except for the following formal matters:

The original patent, or a statement as to loss or inaccessibility of the original patent, has not been received.

Prosecution on the merits is closed in accordance with the practice under *Ex parte*Quayle, 1935 C.D. 11, 453 O.G. 213.

Applicants statement with respect to the submission of the original patent is noted.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (571) 272-1371. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached at (571) 272-1362.

The fax number for all official communications is (703) 872-9306.

Application/Control Number: 10/044,801

Art Unit: 1755

Page 3

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmk April 5, 2004

C. Melissa Koslow Primary Examiner Tech. Center 1700